

1 LATHAM & WATKINS LLP  
2 Stephen Stublarec (Bar No. 69451)  
3 Paul T. Llewellyn (Bar No. 216887)  
4 505 Montgomery Street, Suite 2000  
5 San Francisco, California 94111-6538  
6 Telephone: (415) 391-0600  
7 Facsimile: (415) 395-8095  
8 Email: [Paul.Llewellyn@lw.com](mailto:Paul.Llewellyn@lw.com)

6 Attorneys for Plaintiff  
PLANTRONICS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 PLANTRONICS, INC., a Delaware corporation,

**Plaintiff,**

## Defendants.

CASE NO. C07-06038 PVT

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE TO SEPTEMBER 30, 2008**

(Honorable Patricia V. Trumbull)

## **STIPULATION**

WHEREAS, the complaint was filed on November 29, 2007;

WHEREAS, on November 29, 2007, the Court set an initial case management conference for March 18, 2008;

WHEREAS, on January 31, 2008, plaintiff, Plantronics, Inc. ("Plantronics"), filed a motion to stay the action, pending resolution of underlying litigation currently pending against Plantronics, as to which this action relates;

WHEREAS, concurrently with its motion to stay proceedings, Plantronics filed a motion for an order shortening time on its motion to stay the action, requesting a hearing date on its motion to stay of February 19, 2008;

WHEREAS, on February 1, 2008, this Court denied Plantronics' motion for an order shortening time on its motion to stay the action;

WHEREAS, that order was specifically without prejudice to Plantronics' seeking a stipulated continuance of the scheduling deadlines;

WHEREAS, on February 4, 2008, defendant Atlantic Mutual Insurance Company (“Atlantic Mutual”) filed a motion to dismiss plaintiff’s complaint, which was set for hearing on March 18, 2008:

WHEREAS, on February 5, 2008, Plantronics re-filed its motion to stay the action, and set the motion for hearing on March 18, 2008;

WHEREAS, on February 12, 2008, the parties filed a stipulation and proposed order continuing the case management conference to April 22, 2008, because they believed it would be more efficient and it would avoid the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to stay and motion to dismiss before the case management conference was held, and before the parties met and conferred regarding initial disclosures, and they filed their Rule 26(f) reports;

WHEREAS, on February 12, 2008, the Court issued an order continuing the case management conference to April 22, 2008, and continuing the associated case scheduling deadlines accordingly:

1               WHEREAS, on March 11, 2008, the Court issued a notice that the hearing on  
 2 Plantronics' motion to stay and Atlantic Mutual's motion to dismiss had been continued to April  
 3 8, 2008;

4               WHEREAS, on March 26, 2008, pursuant to a stipulation of the parties, the Court  
 5 issued an order continuing the case management conference to May 6, 2008, and continuing the  
 6 associated case scheduling deadlines accordingly;

7               WHEREAS, on April 8, 2008, the Court held a hearing on Plantronics' motion to  
 8 stay and Atlantic Mutual's motion to dismiss, and took the matters under submission;

9               WHEREAS, on April 21, 2008, pursuant to a stipulation of the parties, the Court  
 10 issued an order continuing the case management conference to June 17, 2008, and continuing the  
 11 associated case scheduling deadlines accordingly;

12              WHEREAS, on May 29, 2008, pursuant to a stipulation of the parties, the Court  
 13 issued an order continuing the case management conference to August 5, 2008, and continuing  
 14 the associated case scheduling deadlines accordingly;

15              WHEREAS, pursuant to the Court's May 29, 2008, order, the parties are to meet  
 16 and confer regarding initial disclosures by July 15, 2008, and to file their Rule 26(f) reports by  
 17 July 29, 2008;

18              WHEREAS, the parties agree that it would be more efficient and it would avoid  
 19 the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to  
 20 stay and motion to dismiss before the case management conference is held, and before the parties  
 21 meet and confer regarding initial disclosures, and they file their Rule 26(f) Reports;

22              WHEREAS, the parties agree that the case management conference should be  
 23 continued to September 30, 2008, and the associated deadlines should be continued accordingly;

24              NOW, THEREFORE, subject to the Court's approval, the parties STIPULATE  
 25 that the case management conference scheduled for August 5, 2008, be continued to September  
 26 30, 2008, and that the associated case scheduling deadlines be continued accordingly.

27              IT IS SO STIPULATED.

28

1 Dated: July 8, 2008

LATHAM & WATKINS LLP

2 By: Paul Llewellyn  
3

4 Paul T. Llewellyn  
Attorney for Plaintiff  
Plantronics, Inc.

5  
6 Dated: July \_\_, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

7 By: \_\_\_\_\_  
8

9 Dean A. Pappas  
10 Attorney for Defendant  
11 Atlantic Mutual Insurance Company

12 Dated: July \_\_, 2008

LEWIS BRISBOIS BISGAARD & SMITH

13 By: \_\_\_\_\_  
14

15 Timothy Kirk  
16 Attorney for Defendants  
17 American Home Assurance Company and  
18 The Insurance Company of the State of  
19 Pennsylvania

20

21

22

23

24

25

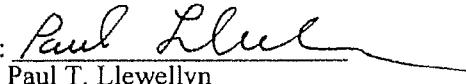
26

27

28

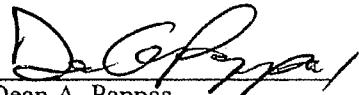
1 Dated: July 8, 2008

LATHAM & WATKINS LLP

2 By:   
3 Paul T. Llewellyn  
4 Attorney for Plaintiff  
5 Plantronics, Inc.

6 Dated: July 8, 2008

7 ROPERS, MAJESKI, KOHN & BENTLEY  
8

9 By:   
10 Dean A. Pappas  
11 Attorney for Defendant  
12 Atlantic Mutual Insurance Company

13 Dated: July \_\_, 2008

14 LEWIS BRISBOIS BISGAARD & SMITH  
15

16 By: \_\_\_\_\_  
17 Timothy Kirk  
18 Attorney for Defendants  
19 American Home Assurance Company and  
20 The Insurance Company of the State of  
21 Pennsylvania  
22  
23  
24  
25  
26  
27  
28

1 Dated: July 8, 2008

LATHAM & WATKINS LLP

2 By: Paul Llewellyn  
3 Paul T. Llewellyn  
4 Attorney for Plaintiff  
5 Plantronics, Inc.

6 Dated: July \_\_, 2008

7 ROPERS, MAJESKI, KOHN & BENTLEY

8 By: \_\_\_\_\_  
9 Dean A. Pappas  
10 Attorney for Defendant  
11 Atlantic Mutual Insurance Company

12 Dated: July 8, 2008

13 LEWIS BRISBOIS BISGAARD & SMITH

14 By: Timothy Kirk  
15 Attorney for Defendants  
16 American Home Assurance Company and  
17 The Insurance Company of the State of  
18 Pennsylvania

## ORDER

Pursuant to the above stipulation of the parties, and good cause appearing, IT IS ORDERED that the case management conference scheduled for August 5, 2008, shall be continued to September 30, 2008, and that the associated case scheduling deadlines shall be continued accordingly.

Dated: July , 2008

**Patricia V. Trumbull  
United States Magistrate Judge**

SF\662638.1